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October 28, 2019

VIA ECF AND HAND DELIVERY

Honorable Karen M. Williams, U.S.M.J.
Mitchell H. Cohen Federal Courthouse
1 John F. Gerry Plaza
4th & Cooper Streets
Camden, New Jersey 08101

Re: Mall Chevrolet, Inc. v. General Motors LLC
Civil Action No.: 1:18-cv-15077-JRP-KMW

Dear Judge Williams:

We represent the Plaintiff, Mall Chevrolet, Inc. (“Mall”) in the above-referenced action against Defendant, General Motors LLC (“GM”). On behalf of Mall, we respectfully request permission to file the enclosed Motion to Quash the Deposition Subpoenas issued by GM to CarMax Auto Superstores, Inc. and Carvana Company and/or for a Protective Order (“Motion to Quash”). We also respectfully request a telephone conference with the Court given the time constraints for pretrial factual discovery in this matter.

As set forth in the enclosed Motion to Quash, GM is purporting to conduct third-party depositions on issues not relevant under the New Jersey Franchise Practices Act, N.J.S.A. § 56:10–1, *et seq.* and/or the after-acquired evidence doctrine. Consequently, such issues are well beyond the permissible scope of discovery set forth in Fed. R. Civ. P. 26(b)(1). Furthermore, GM has now noticed twelve (12) depositions in this litigation, despite the fact that Federal Rules of Civil Procedure 26 and 30 and Your Honor’s October 18, 2018 Order (*see* Docket Document No. 2) dictate that the parties are limited to ten (10) depositions each without leave of Court.

Additionally, even assuming the enclosed Motion to Quash was denied, there are issues with the scheduling of these depositions within the timeframe in Judge Padova’s September 26, 2019 Order (*see* Docket Document No. 49) setting a pretrial factual discovery end date of November 22, 2019.

On October 28, 2019, the parties participated in a meet and confer telephone conference regarding the issues set forth in the enclosed Motion to Quash and in this correspondence. The parties were unable to reach a resolution on the issues.

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Thank you for Your Honor's courtesies in this matter.

Respectfully submitted,

BROWN & CONNERY, LLP

s/ Jonathan L. Triantos

Jonathan L. Triantos

Enclosure

cc: Honorable John R. Padova, U.S.D.J. (*via ECF*)
Jeremy A. Cohen, Esquire (*via ECF*)
James C. McGrath, Esquire (*via ECF*)
Andrew T. Stark, Esquire (*via ECF*)